

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARK WARREN PEARY, individually and in
his capacity as executor of the Estate of Joseph
Shuster,

Plaintiff,

vs.

DC COMICS, INC., et al.,

Defendants.

Civil Action No. 1:25-cv-00910-JMF

**SUPPLEMENTAL DECLARATION OF
MARC TOBEROFF IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS
OR TRANSFER**

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*Attorneys for Plaintiff Mark Warren Peary,
individually and as executor of the Estate of
Joseph Shuster*

March 26, 2025

DECLARATION

I, Marc Toberoff, declare as follows:

1. I am a member of the bar of the State of New York and a principal of the law firm Toberoff & Associates, P.C., counsel of record for Plaintiff Mark Warren Peary (“Plaintiff”). I submit this Supplemental Declaration in Support of Plaintiff’s Opposition to Defendants’ Motion to Dismiss or Transfer. Except where otherwise stated, I have personal knowledge of the facts set forth herein and, if called as a witness, could and would so testify.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Jean Peavy’s Declination to Act as Personal Representative in *In re the Matter of the Estate of Joseph Shuster*, No. BP080635, executed July 15, 2003.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Jean Peavy’s Waiver of Notice of and Consent to Petition for Probate in *In re the Matter of the Estate of Joseph Shuster*, No. BP080635, filed August 21, 2003.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Order Admitting Will to Probate, Appointing Executor and Authorizing Independent Administration of Estate with Limited Authority in *In re the Matter of the Estate of Joseph Shuster*, No. BP080635, filed October 7, 2003.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the agreement canceling the joint venture among Pacific Pictures Corp., Plaintiff, and Jean Peavy, executed September 10, 2004, which is Bates-stamped PPC 00009.

6. Attached hereto as **Exhibit 5** is DC Comics’ Requests for Production dated December 10, 2010, referencing the September 10, 2004, letter (Exhibit 4).

7. Separate and apart from the imposition on my family, the guestroom in my home is uninhabitable because of water damage from a burst pipe.

8. My law office was completely destroyed by the Palisades Fire on January 8, 2025.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on March 26, 2025.

/s/ Marc Toberoff
Marc Toberoff